

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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COMPASS-CHARLOTTE 1031, LLC,

Plaintiff,

-against-

Case No.:1:24-cv-55 (MAD/DJS)

PRIME CAPITAL VENTURES, LLC  
BERONE CAPITAL FUND, LP  
BERONE CAPITAL PARTNERS LLC  
BERONE CAPITAL LLC  
BERONE CAPITAL EQUITY FUND I, LP  
405 MOTORSPORTS LLC f/k/a Berone Capital Equity  
Partners LLC

Defendants.

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PAUL A. LEVINE, as RECEIVER of PRIME CAPITAL  
VENTURES, LLC,

Third-Party Plaintiff,

-against-

KRIS D. ROGLIERI, TINA M. ROGLIERI, KIMBERLY  
A. HUMPHREY a/k/a “KIMMY” HUMPHREY, PRIME  
COMMERCIAL LENDING, LLC, COMMERCIAL  
CAPITAL TRAINING GROUP, THE FINANCE  
MARKETING GROUP, NATIONAL ALLIANCE OF  
COMMERCIAL LOAN BROKERS LLC, FUPME, LLC,

Third-Party Defendant,

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**ORDER TO SHOW CAUSE  
FOR ATTACHMENT  
PURSUANT TO RULE 64**

Upon the Verified Third-Party Complaint, filed by Paul A. Levine, as Receiver of Prime Capital Ventures LLC, sworn to on January 27, 2024, and the Exhibits annexed thereto, the Declaration of Robert A. Lippman, Esq., sworn to on January 29, 2024, the Receiver’s Memorandum of Law in Support of Injunctive Relief, date January 29, 2024, and all the pleadings

and proceedings heretofore had herein in support of interim relief pursuant to F.R.C.P. 64, and upon Receiver/Third-Party Plaintiff having complied with Local Rule 7.1(e), and due deliberation having been had thereon and sufficient cause appearing:

Let Third-Party Defendants Kris D. Roglieri, Tina M. Roglieri, Kimberly A. Humphrey a/k/a Kimmy Humphrey, Prime Commercial Lending, LLC, Commercial Capital Training Group, LLC, The Finance Marketing Group, National Alliance of Commercial Loan Brokers, and FUPME, LLC (hereinafter collectively “Third-Party Defendants”) **SHOW CAUSE** before this Court, to be heard at \_\_\_\_\_, on the \_\_\_\_ day of \_\_\_\_\_, 2024, at \_\_\_\_\_ am, or as soon thereafter as counsel can be heard, why an Order should not be granted pursuant to F.R.C.P. 64, against them, as follows:

A. Enjoining Third-Party Defendants from making payments, distributions, or otherwise withdrawing or encumbering funds to themselves, to each other, or to their respective affiliates and/or family members, from any bank accounts where Third-Party Plaintiff, Prime Capital Ventures, LLC (“Prime”), or any Third-Party Defendant herein deposited, held or received in connection with loan financing to Prime’s borrowers, including but not limited to the following entities and individuals: Compass-Charlotte 1031, LLC, HCW Biologics Inc., Newlight Technologies, Inc., 526 Murfreesboro, LLC, Motos America Inc., Piper Capital Funding, ER Tennessee LLC, B&R Acquisition Partners, Onward Holdings/Onward Partners LLC, Camshaft CRE 1, LLC and 1800 Park Avenue LLC (collectively hereinafter the “Borrowers”), specifically including, but not limited to Borrower Interest Credit Account (ICA”) funds deposited to the

following bank accounts, which are hereby attached, pursuant to Fed. R. Civ. P. 64, hereinafter, collectively defined as the “ICA Accounts”, to wit:

- a. CitiBank, account ending in 6945;
- b. KeyBank, account ending in 2233;
- c. KeyBank, account ending in 2878;
- d. Farmers State Bank, account ending in 5665;
- e. Interactive Brokers, account ending in 0095;
- f. Interactive Brokers, account ending in 0712;
- g. Interactive Brokers, account ending in 0067;
- h. RBC, account ending in 0017;

B. Enjoining Third-Party Defendants from transferring, selling, disposing, driving or encumbering the following automobile assets, which are hereby attached, pursuant to F.R.C.P. 64:

<u>Year</u>	<u>Make/Model</u>	<u>Tag</u>	<u>Color</u>
2017	Novitec Ferrari 488 N-Largo	NLargo2	Rosso Corsa
2022	Ferrari 812 Competizione	812ZIONE	Blu Corsa
?	Ford GT '69 Gulf Livery Heritage Edition	?	Gulf Blue
			Designo Graphite Grey Magno
2021	Mercedes-Benz AMG GT Black Series	GTBLACK	
2020	Lamborghini Aventador SVJ	SVJSHARK	Nero Aldebaran
2014	Mercedes-Benz SLS AMG Black Series	BKSERIES	Obsidian Black Metallic
2019	Novitec McLaren 720S N-Largo	NLARGO3	Supernova Silver
2014	Novitec Ferrari F12 N-Largo	NLARGO	Nero Daytona
2004	Gemballa Mirage GT	?	Blue Metallic
2002	Ferrari Enzo	?	Rosso Corsa
2006	Maserati MC12 Corsa	?	MC Victory Blue

2014 Ferrari LaFerrari

?

Rosso Corsa

C. Pursuant to Fed. R. Civ. P. 64, enjoining Third-Party Defendants from transferring, selling, disposing or encumbering any real estate, personal property or other tangible assets in their possession or to which they hold title or any legal interest, which tangible assets were purchased with monies from the above-identified ICA Accounts, including but not limited to the following:

- a. That certain real property known as 600 Linkhorn Drive, Virginia Beach, VA;
- b. That certain property known as 40 North Road, Queensbury, NY;
- c. A Richard Mille Skull 52-01 Tourbillon Skull wristwatch, purchased by Prime Capital Ventures from Platinum Times, for \$2,275,000 (currently in the possession of the Receiver, Paul A. Levine, Esq.)
- d. The additional items of personal property, vehicles (or vehicle related expenditures) identified in Paragraph “77” of the Third-Party Complaint, having been purchased from or through AI Design, Cars USA Shipping, Capital Ford, Scott Oliver Law, RENNtech Inc., Bonhams Butterfields Trust, Rockland Auto, RM Auctions Inc. (aka “RM Sotheby’s”), CFR Classic LLC, Hunter Motorsports, Keeler Motor Car Co., Wrist Afficionado, 1<sup>st</sup> Dibs, Cedric Dupont, Prive Porter, Platinum Times LLC, Timepiece Trading, Giganti and Giganti, Luxury Bazaar and Richemont North.

D. Requiring Third-Party Defendants to return all funds withdrawn from the aforesaid ICA Accounts which were withdrawn for any purpose other than that provided for in the Line of Credit lending documents or agreements executed between a Borrower and Prime Capital Ventures, LLC, Prime Commercial Lending, LLC, Commercial Capital Training Group, The

Finance Marketing Group, National Alliance of Commercial Loan Brokers LLLC, or FUPME, LLC;

E. Authorizing the Receiver, pursuant to F.R.C.P. 26, 30, 31, 33, 34, 36 and 45, to take expedited discovery of Third-Party Defendants and necessary third-parties identified herein and in the Third-Party Complaint, without the requirement of a meeting pursuant to F.R.C.P. 26(f), and without regard to the limitation of F.R.C.P. 30(a)(2) and 30(d).

**SUFFICIENT CAUSE APPEARING THEREFORE, it is**

**ORDERED** that sufficient reason and good cause having been shown therefor, pending the hearing of this Order to Show Cause, Third-Party Defendants are hereby temporarily restrained from withdrawing or encumbering funds to themselves, to each other, or to their respective affiliates and/or family members, from any bank accounts where Third-Party Plaintiff Prime Capital Ventures, LLC, or any Third-Party Defendant herein deposited, held or received in connection with loan financing to Prime's Borrowers, specifically including the ICA Accounts, to wit:

- a. CitiBank, account ending in 6945;
- b. KeyBank, account ending in 2233;
- c. KeyBank, account ending in 2878;
- d. Farmers State Bank, account ending in 5665;
- e. Interactive Brokers, account ending in 0095;
- f. Interactive Brokers, account ending in 0712;
- g. Interactive Brokers, account ending in 0067;

h. RBC, account ending in 0017;

**AND IT IS FURTHER ORDERED** that Third-Party Defendants are hereby temporarily restrained from transferring, selling, disposing or encumbering the vehicles listed below, shall immediately cease driving said vehicles or exposing them to any damage or depreciation, and shall immediately turn over to the Receiver the insurance policies, in connection with the following:

<u>Year</u>	<u>Make/Model</u>	<u>Tag</u>	<u>Color</u>
2017	Novitec Ferrari 488 N-Largo	NLargo2	Rosso Corsa
2022	Ferrari 812 Competizione	812ZIONE	Blu Corsa
?	Ford GT '69 Gulf Livery Heritage Edition	DPL987	Gulf Blue
2021	Mercedes-Benz AMG GT Black Series	GTBLACK	Designo Graphite Grey Magno
2020	Lamborghini Aventador SVJ	SVJSHARK	Nero Aldebaran
2014	Mercedes-Benz SLS AMG Black Series	BKSERIES	Obsidian Black Metallic
2019	Novitec McLaren 720S N-Largo	NLARGO3	Supernova Silver
2014	Novitec Ferrari F12 N-Largo	NLARGO	Nero Daytona
2004	Gemballa Mirage GT	?	Blue Metallic
2002	Ferrari Enzo	S11GAR	Rosso Corsa
2006	Maserati MC12 Corsa	?	MC Victory Blue
2014	Ferrari LaFerrari	?	Rosso Corsa

**AND IT IS FURTHER ORDERED** that Third-Party Defendants are hereby temporarily enjoined from transferring, selling, disposing of or encumbering any of the real estate, personal property or other tangible assets in their possession or to which they hold title, which were purchased with monies from the ICA Accounts, or modified or repaired with monies from the ICA Accounts, including but not limited to the following:

a. That certain real property known as 600 Linkhorn Drive, Virginia Beach, VA;

- b. That certain property known as 40 North Road, Queensbury, NY;
- c. A Richard Mille Skull 52-01 Tourbillon Skull wristwatch, purchased by Prime Capital Ventures from Platinum Times, for \$2,275,000 (currently in the possession of the Receiver, Paul A. Levine, Esq.)
- d. The additional items of personal property identified in Paragraph “77” of the Third-Party Complaint, having been purchased from or through AI Design, Cars USA Shipping, Capital Ford, Scott Oliver Law, RENNtech Inc., Bonhams Butterfields Trust, Rockland Auto, RM Auctions Inc. (aka “RM Sotheby’s”), CFR Classic LLC, Hunter Motorsports, Keeler Motor Car Co., Wrist Afficionado, 1<sup>st</sup> Dibs, Cedric Dupont, Prive Porter, Platinum Times LLC, Timepiece Trading, Giganti and Giganti, Luxury Bazaar and Richemont North.

**AND IT IS FURTHER ORDERED** the Third-Party Defendants shall not destroy, alter or conceal any records (including both physical and digital records);

**AND IT IS FURTHER ORDERED** that pursuant to F.R.C.P. 26, 30, 31, 33, 34, 36, and 45, and until further order of the Court, the Receiver is hereby authorized to take expedited discovery of Third-Party Defendants and those certain third-parties identified herein and in the Third-Party Complaint, without the requirement of a meeting pursuant to Fed. R. Civ. P. 26(f), and without regard to the limitation of Fed. R. Civ. P. 30(a)(2) and 30(d) as follows:

1. Plaintiff may obtain the production of documents, within three (3) calendar days from service by facsimile, email or otherwise of a subpoena, from Third-Party Defendants and any non-party persons or entities in connection with the claims made in the Third-Party Complaint.

**AND IT IS FURTHER ORDERED** that service of a copy of the Verified Third-Party Complaint, this Order, and the underlying papers on which it has been granted, shall be deemed sufficient, as follows: by email to Kris Roglieri, at [kris@primecommerciallending.com](mailto:kris@primecommerciallending.com); to Kimberly (“Kimmy”) Humphrey by email, at [kimmy@primecommerciallending.com](mailto:kimmy@primecommerciallending.com) and via overnight courier to 600 Linkhorn Drive, Virginia Beach, Virginia; to Prime Capital Ventures, LLC, Prime Commercial Lending, LLC, Commercial Capital Training Group, The Finance Marketing Group, National Alliance Of Commercial Loan Brokers LLC, and FUPME, LLC, by personal service or overnight courier at 66 Pearl Street – 10th Floor, Albany, New York 12207, to Plaintiff Compass-Charlotte 1031, LLC by email to William Esser, at [willesser@parkerpoe](mailto:willesser@parkerpoe); and upon the Berone Defendants by email to Fabian Stone ([stone@beronecapital.com](mailto:stone@beronecapital.com)) and Jeremiah Beguesse ([jeremiah@beronecapital.com](mailto:jeremiah@beronecapital.com)) and overnight courier to A Registered Agent, Inc., 8 The Green – Suite A, Dover, Delaware 19901 and Sunshine Corporate Filings LLC, 7901 4th Street, N. – Suite 300, St. Petersburg, Florida, 33702, on or before \_\_\_\_\_, shall be deemed good and sufficient service thereof.

**AND IT IS FURTHER ORDERED** that the Third-Party Defendants shall deliver any opposing papers in response to the Order to Show Cause no later than \_\_\_\_\_, at \_\_\_\_\_ p.m./a.m. Service shall be made by delivering the papers by email to Receiver’s counsel and by filing on PACER. The Receiver shall have until \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m. to serve any reply papers upon the Third-Party Defendants or their respective counsel, including by any form of service authorized in the foregoing paragraph.



IT IS SO ORDERED.

DATED: \_\_\_\_\_

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UNITED STATES DISTRICT JUDGE